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CONFERENCE OF THE PARTIES

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REPORT OF THE SIXTEENTH MEETING OF THE STANDING COMMITTEE

Geneva, Switzerland, 9 April 1997

Opening remarks by the Chairman

1. The Chairman opened the meeting, apologizing for the absence of Dr. Bridgewater who was unable to participate. The purpose of the brief meeting was to prepare the meeting of the Conference of the Parties and to discuss with the representative of UNEP that organization's role vis-à-vis the Convention. He pointed out that, as Australia was at the end of its term of office and would not standing for re-election, it would be necessary for the Standing Committee to meet at the end of the conference to elect its new Chair and Vice-Chair.

Arrangements for the meeting of the Conference of the Parties

2. After drawing attention to documents UNEP/CMS/Conf.5.1(Rev.1) and UNEP/CMS/Conf.5.3(Rev.1) containing the provisional agenda and provisional timetable of the Fifth Meeting of the Conference of the Parties respectively, he enumerated the items on the provisional agenda which required discussion in the Standing Committee or for which it might be advisable to set up working groups.

3. In regard to item 2 (Welcoming addresses), addresses would be given by the representatives of the Swiss Government and of UNEP, formally opening the meeting of the Conference. The Committee agreed that the representative of the Convention on Biological Diversity also be allowed to give an address.

4. On item 3 (Adoption of rules of procedure), the Chairman's understanding was that the text in document UNEP/CMS/Conf.5.4 had already been largely accepted by the Fourth Meeting of the Conference of the Parties and that it would be for the Fifth Meeting to decide whether to adopt it. For any contentious issues, he suggested that an acceptable consensus should be found rather than voting. The representative of America and the Caribbean (Panama) requested clarification in regard to Rule 14(4); he believed that an amendment had already been proposed, regarding the use of a secret ballot, which was not reflected in the text. The Deputy Coordinator

explained that the amendment had been omitted inadvertently by the Secretariat and the Committee requested that wording in Spanish be submitted to remedy the matter. The observer for the United Kingdom would have a few, mainly editorial, comments to make in due course.

5. In regard to item 6 (Establishment of Credentials Committee and sessional committees), the Chairman said that it seemed appropriate for the membership of the Credentials Committee to reflect regional and linguistic balance. The Committee agreed to keep that in mind during regional group discussions on nominations.

6. Regarding item 7 (Admission of observers), no advice had been received from the German Government as to whether the German NGOs intending to come to the meeting had been duly authorized. The Coordinator thought that the German Government had perhaps not been informed by either the Secretariat or the NGOs of their intention to attend. He would take appropriate action.

7. On item 9 (Reports), the report of the Secretariat was available and the Coordinator suggested that, once it had been presented, observer countries should be invited to report to the Conference about the state of their governments' preparations or considerations to ratify (as Signatories) or accede to the Convention and, as far as applicable to respective Agreements. The Deputy Coordinator said that the Chairman of the Scientific Council would give an oral report, presenting the highlights of the recent meeting; the written report would be available in English initially and in the other languages as soon as possible thereafter. It would contain the preliminary budgetary allocations made to projects and activities by the Council, however the group established to finalize the necessary recommendations was unlikely to meet before the Conference began. The representative of the Depositary (Germany) said that the Depositary's report would be made orally in order to take account of information provided in documents which had been available only on arrival in Geneva.

8. In regard to item 10(d) (Guidelines on the harmonization of future Agreements), the Committee considered that it would be valuable to establish a working group to progress discussions. For item 13 (Strategy for the future development of the Convention), it advocated that a working group be established and that the item be broached in plenary earlier than timetabled. It also agreed that the working groups and any others set up should have very precise terms of reference.

9. In regard to item 14 (Financial and administrative arrangements), it was agreed to recommend setting up another working group. On a minor point, the Chairman explained that the Secretariat was seeking approval to abandon the small charge of $200 levied on NGOs participating in the Conference since its collection had virtually no impact on the budget and was a disincentive to potential participants, many of whom worked very closely with the CMS.

10. On item 15 (Institutional arrangements), it was agreed that a working group should be established to discuss 15 (a) (Agreement secretariats). On 15(b) (Standing Committee), the Coordinator said that nominations would have to be made to replace members of the Committee whose term of office would expire at the end of the conference and that regional consultations would be required for the nomination of its chair.

Consultations between the Standing Committee and UNEP

11. The Chairman said that on 2 April 1997 the Chairman of the Standing Committee had sent a fax to the Executive Director of UNEP, Ms. E. Dowdeswell, setting out four material issues to be discussed at the present meeting of the Standing Committee, on which UNEP's comments would be desirable. He invited Mr. Frits Schlingemann, the Head of the UNEP Regional Office, attending on Ms. Dowdeswell's behalf, to set out UNEP's position on each of the four main issues contained in the fax and to answer questions from the floor.

12. Mr. Schlingemann first apologised on behalf of the Executive Director, who was unable to be in Geneva for the present meeting and who would be unable to attend the Fifth Meeting of the Conference of the Parties, owing to her obligation to attend the concurrent session of the Administrative Committee on Coordination. He said that he and his team of associates from UNEP were at the disposal of those attending the meeting and would be glad to address any requests for information. Speaking on behalf of the Executive Director he then addressed the first of the issues contained in the CMS Secretariat's fax to the Executive Director.

"Co-location of Agreement secretariats with the Convention Secretariat"

13. Mr. Schlingemann said that the Executive Director had already stated that UNEP preferred the first of the options proposed, namely full administrative integration. It was his understanding that a draft resolution to that effect would go to the Conference of the Parties. The principal question had thus been agreed: what remained was the need to look at the modalities. Stressing that his remarks were the opinion of UNEP and that the subject was a matter for a decision of the Parties, he said that each of the Agreements would have an Executive Officer within an Agreements Unit, reporting to the Coordinator of the UNEP/CMS Secretariat. There would need to be a discussion on whether the Coordinator would be the supervisor of these Officers. In the interest of efficiency, UNEP would obviously prefer to deal with one focal point person, rather than several. UNEP favoured an arrangement whereby all staff in the proposed Unit would be UNEP staff members, selected by the Coordinator and recruited by UNEP. He assumed that staff in the Unit would be financed from the Agreements' budgets and Trust Funds. Parties to the respective Agreements would thus decide on staff numbers and levels. UNEP assumed that the budget of CMS and the Trust Funds would exist separately from each other, for reasons of accountability. With regard to an Administrative Support Unit, he said that UNEP currently funded a Finance Assistant for CMS. It would be prepared to finance an Administrative/Fund Management Officer (FMO), in which case the Finance Assistant would have to be funded by the Trust Fund of CMS. Concerning the relationship between the Administrative Support Unit and UNEP Headquarters, there would have to be a direct line between the FMO and UNEP's Fund Programme Management Branch (FPMB).

14. The representative of the Depositary said that, in connection with the co-location of secretariats in Bonn, the Standing Committee had already established a working group, which had closely examined models of how secretariats could be co-located and the modalities employed. A decision of the group was contained in document UNEP/CMS/Conf.5.14.1. Details of a final decision of the group had been worked out at the 15th meeting of the Committee and the Netherlands and Germany had drafted a resolution and submitted it to the Secretariat. It was

important for those regional agreements that were not under UNEP to see the advantages of being co-located under it. The question of UNEP's overhead charge would arise if new regional secretariats were to ask UNEP to take over their administration. He sought clarification from UNEP on that point. Would the regional Agreements also be asked to pay the 13 percent overhead charge to UNEP?

15. Mr. Schlingemann replied that UNEP, as a United Nations organization, had to levy the overhead charge. That had been a decision of Government members of the United Nations. A Governing Council report had disclosed that the 13 percent levied more or less covered UNEP's expenditures on servicing the Trust Fund. He had already indicated what UNEP was able to offer. Whether that would fully use the 13 percent from Trust Funds linked to Agreements was not certain. Calculations would have to be more specific, since he was not in a position to indicate whether what UNEP had offered made full use of the 13 percent. UNEP's Governing Council received a regular report on the use and administration of Trust Funds. Once a decision had been arrived at, it could be incorporated into an agreement. But for the moment, the case was not clear.

16. In conclusion of a more general debate, Mr. Schlingemann stated that the issue of the 13 percent overhead charge was sometimes a struggle for UNEP itself. He reiterated that an assessment of what was needed by CMS should be carried out. It was difficult to quantify the services rendered under co-location. He would get back to UNEP Headquarters and try to obtain more details on the question.

"New Headquarters Agreement for the UNEP/CMS Secretariat"

17. The Chairman considered that this particular issue might not be appropriate for the Standing Committee to discuss here and he hoped that the representative of UNEP would address it at the Conference of the Parties, if a detailed discussion were to take place there. Mr. Schlingemann replied that, basically, he had already touched on the issues in his previous statement. The UNEP/CMS Secretariat should be treated the same as other organizations with which it was co-located in Bonn.

18. The representative of the Depositary considered that the question concerned his Goverment rather than UNEP. He said he would be making a detailed statement on the matter at the meeting of the Conference of the Parties. He looked forward to the opportunity to discuss this issue in the plenary.

"Strategy for the future development of the Convention"

19. In this context, the Chairman stated that the fax to the Executiv e Director noted that UNEP might be requested to comment on the expectation of the COP that UNEP should a) actively assist in efforts to persuade Parties to join the Convention and related Agreements, and b), strengthen or establish partnerships with biodiversity-related conventions, regional agreements and programmes.

20. Concerning point a) above, Mr. Schlingemann pointed out that the Governing Council of UNEP constantly adopts decisions, put together by Governments, urging countries to become Parties to environmental conventions and agreements. In addition, UNEP managers visiting Governments always received a briefing containing information on the status of the respective country's accesion to conventions. UNEP would be very willing to do any other work that should be undertaken to encourage countries to join CMS.

21. With regard to point b) above, Mr. Schlingemann said that UNEP had a mandate from Agenda 21 to promote cooperation. Meetings had been organized between convention secretariats and these were useful for exchanging information between them and in promoting synergy and cooperation. He said he had the report of the last such meeting, which he would circulate. A number of initiatives existed in this context, and he would go into the matter in more detail in his address to the Conference of the Parties.

"Support for the UNEP/CMS Secretariat"

22. Mr. Schlingemann said that, beyond the already-mentioned support in the provision of a staff member, UNEP was not in a position to offer much. Substantive support to CMS was being discussed within the framework of programme activity development. But UNEP was facing difficulties, with only $25 million available for the present 1997 programme, instead of an expected $45 million. Priorities had had to be set and implemented. Only now, when the issue of the governance of UNEP had been resolved, was it expected that donor confidence in UNEP would increase, with a concomitant increase in budget levels for 1998-1999. For that biennium, a work programme would be developed which could entail consultation with convention secretariats on the activites to be pursued in their respective fields of competence.

Closure of the Meeting

23. The Chairman thanked all those present and closed the meeting at 4.15 p.m. on Thursday, 9 April 1997.

Annex 1

16th Meeting of the CMS Standing Committee
Geneva, 9 April 1997

List of Participants

Members

Australia (Oceania)	Mr. David Kay (Chair)
Netherlands (Europe)	Dr. Gerard Boere
Niger (Africa)	M. Anza Zakara
Panama (Americas)	Prof. Dimas Botello
Saudi Arabia (Asia)	Prof. Abdulaziz H. Abuzinada
	Prof. Hany Tatwany
	Dr. Muhammed Y. Shabrak
Germany (Depositary)	Mr. Gerhard Adams
	Ms. Astrid Thyssen
	Ms. Petra Steffens

Observers

Burkina Faso	M. Issa Zampaligre
European Communities	Mr. Richard Geiser
India	Shri Subhash Chandra Dey
Monaco	Dr. M.-C. van Klaveren
United Kingdom	Mr. Robert Hepworth
	Mr. Richard Hepburn
	Mr. Ian Muchmore
	Ms. Sue Geddes

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Mr. Frits Schlingemann
Mr. Mark Berman
Mr. Luis F. Guerrero
Mr. Sipi Jaakkola

UNEP/CMS Secretariat

Mr. Arnulf Müller-Helmbrecht
Mr. Douglas Hykle